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TRANSFERRING FROM THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET TO THE ADMINISTRATOR OF GENERAL SERVICES THE RESPONSIBILITY FOR PUBLICATION OF THE CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS, AND FOR OTHER PURPOSES

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Mr. ROTH, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany S. 1267]

The Committee on Governmental Affairs, to which was referred the bill (S. 1267) to transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

SUMMARY AND PURPOSE

S. 1267 would amend chapter 61 of title 31, United States Code, to transfer selected responsibilities for publication of the printed Catalog of Federal Domestic Assistance and the computerized data base containing information on Federal domestic assistance programs from the Director of the Office of Management and Budget (OMB) to the Administrator of General Services (GSA). Under S. 1267, the responsibilities for preparing and disseminating the printed Catalog of Federal Domestic Assistance and the responsibilities for maintaining and updating the computerized data base containing information on Federal domestic assistance programs would be transferred to GSA.

The responsibilities for oversight, validation and correction of data submitted by the agencies, as well as policy setting concerning implementation of chapter 61, title 31, United States Code, would remain the responsibility of OMB. OMB would also remain responsible for

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collecting the data from the agencies and would continue to serve as the central contact of all line agencies with respect to Federal assistance program information. In addition, OMB would retain the responsibility for ensuring the overall quality of the catalog and the computerized information system.

S. 1267 requires further that annually GSA would provide Congress comprehensive documentation on formulas used to allocate Federal domestic assistance monies and on the data and statistical estimates used to implement such formulas. All such documentation would be included in the computerized data base containing information on Federal domestic assistance programs, however it would be left to the discretion of the Administrator of General Services regarding the detail and the format of the information on formulas actually published in the Catalog of Federal Domestic Assistance.

Background

TRANSFER OF CATALOG RESPONSIBILITIES

The Federal Program Information Act of 1977 provides for the Office of Management and Budget to compile and distribute the Catalog of Federal Domestic Assistance. This legislation also transferred responsibility for the Federal assistance program retrieval system (FAPRS), an automated information retrieval system, from the Department of Agriculture to OMB. FAPRS serves as the basis of the computerized data base that underlies the catalog. The act sought to consolidate in one place responsibility for information on Federal domestic assistance programs that is useful to prospective applicants and to create a comprehensive information system on Federal domestic assistance.

Since the enactment of the Federal Program Information Act, OMB has been solely responsible for all phases of the compilation and maintenance of both the computerized and printed versions of the information on Federal domestic assistance programs. OMB believes that GSA, as a line agency with actual day-to-day responsibility for managing programs and with extensive experience in, and greater resources for, assembling and disseminating information, is better equipped to produce the catalog than is OMB, a staff agency to the President. The committee agrees with OMB that the production, preparation, and distribution of the catalog can be effectively done by GSA. As described below, however, the ultimate responsibility for the effective implementation of the Federal Program Information Act must still remain with OMB.

In March of this year, Senator Stevens introduced S. 789 at the request of the administration. This bill would have transferred from the Director of OMB to the Administrator of General Services, all responsibilities under the Federal Program Information Act of 1977. On May 12 of this year, Senator Durenberger introduced S. 1267 to transfer only the actual preparation, printing, and distribution of the catalog to GSA. S. 1267 provides that oversight, validation and correction of data submitted by the agencies and policy setting concerning implementation of the act remain the responsibility of OMB. Moreover,

OMB would remain responsible for collecting data from the agencies and would remain the central contact of all line agencies with respect to Federal assistance program information. Further, OMB would retain responsibility for ensuring the overall quality of the catalog and the computerized information system.

S. 1267 directs OMB to transfer to GSA all personnel, property, records, and unexpended funds necessary to carry out the authorities and responsibilities transferred by the act. The committee understands that to carry out this transfer, approximately 10 full-time equivalent employees who are presently at OMB working on Federal domestic assistance program information will become employees of GSA, and any remaining funds which have been appropriated for the printed catalog and computerized information data base will transfer to GSA. Future appropriations for production of the catalog and maintenance of the data base would go to GSA rather than OMB.

To insure that the transfer is made as smoothly as possible, OMB should provide technical assistance and systems support to GSA until such time as GSA has adapted its systems and operations to accommodate its new responsibilities. OMB's attentive involvement during the actual transfer of personnel, systems files, and so forth, is imperative to avoid any undue delays in updating the computerized information data base and issuing the printed catalog and supplements thereto.

OMB has further agreed that once the transfer has been completed, reporting instructions to Federal agencies will be continued as an OMB circular. It is also understood that a specific individual at OMB will be assigned to see that OMB's responsibilities under chapter 61, title 31, United States Code, as amended by this legislation, are fully discharged after all operational activities and personnel have been transferred to GSA.

EXPANDED FORMULA DOCUMENTATION

Among the reporting requirements contained in the Program Information Act of 1977 is a general requirement regarding information on Federal formulas. Specifically, the Director of OMB is required to provide "a description of formulas governing distribution of amounts." For purposes of informing potential recipients of the criteria used to allocate Federal funds under specific programs, it is not necessary for such descriptions to be detailed or consistent across all Federal domestic assistance programs. As a result, OMB has always left it to the discretion of the reporting agencies to determine the detail and format of the formula information included in the computerized data base and printed in the catalog. This has led to highly variable documentation on Federal formulas, ranging from very specific to vague and sketchy descriptions.

It is the opinion of the committee that current formula documentation is adequate for purposes to which the catalog is put by potential recipients of Federal domestic assistance. However, the committee also believes that as a component of a comprehensive data base on Federal domestic assistance programs, which was the original intent of the FAPRS system, such vague and inconsistent descriptions are inadequate.

In order for Congress, the General Accounting Office and the Advisory Commission on Intergovernmental Relations to discharge their responsibilities under the Intergovernmental Cooperation Act of 1968, to provide systematic review of Federal grant-in-programs, it is essential that comprehensive formula information be available in a central location, compiled in a consistent manner and updated on an annual basis. Furthermore, the committee feels that without such comprehensive documentation on current formulas and their attending data and statistical estimates, it is impossible for OMB to carry out its responsibility under the Paperwork Reduction Act to formulate and coordinate Federal statistical policy and to make informed budget decisions regarding Federal statistical programs.

The existing data base underlying the Catalog of Federal Domestic Assistance provides a logical mechanism for compiling comprehensive and consistent documentation on Federal formulas and the data and statistical estimates used to implement them. The agency reporting structure is already in place, and the documentation can be vastly improved with little, if any, increase in reporting burden on the agencies. To this end, S. 1267 amends chapter 61, title 31, United States Code to give specific definition to Federal allocation and eligibility formulas and to standardize the manner in which the pertinent information relating to formulas shall be reported by the agencies for inclusion in the data base on Federal domestic assistance programs.

Hearing

On May 12, 1983, the Subcommittee on Intergovernmental Relations held a hearing on S. 1267. The subcommittee heard testimony from the Deputy Director of the Office of Management and Budget. At the hearing, OMB opposed the proposed expansion of documentation on Federal formulas, because it was feared that, as drafted, S. 1267 required the expanded documentation to be published in the printed catalog in addition to being included in the data base on Federal domestic assistance programs.

Committee Action

In order to meet the objections of OMB regarding the publication of expanded formula documentation, the subcommittee amended S. 1267 to give the Administrator of General Services discretion on the detail and format of the formula information printed in the Catalog of Federal Domestic Assistance. The Committee on Governmental Affairs ordered the bill reported on August 1, 1983 as amended by the Subcommittee on Intergrovernmental Relations by a rollcall vote of 14 yeas; 0 nays.

SECTION-BY-SECTION ANALYSIS

The first section of S. 1267 adds "Director" and "Administrator" to the list of terms defined in chapter 61, title 31, United States Code. In addition, it assures that the term "Director" appears in the same form throughout the chapter.

Section 2 of S. 1267 makes four amendments to section 6102 of title 31, United States Code. The first amends subsection (a) so that the

duties of the Director of the Office of Management and Budget are to collect and review information on domestic assistance programs and to provide such information to the Administrator of General Services. The second amends subsection (b) to shift the duty to update the information on Federal domestic assistance programs from the Director of OMB to the Administrator of General Services, while preserving the ultimate responsibility of the Director of OMB to see that this is done. The third and fourth amends subsection (c) to shift all the duties enumerated therein from the Director of OMB to the Administrator of General Services and to assure that the information in the computerized system and the catalog is as up to date as possible.

Section 3 of S. 1267 amends sections 6101, 6102 and 6104 of title 31, United States Code. It amends section 6101 to add "formula" to the list of terms defined in chapter 61 of such title. It makes three amendments to section 6102. First, it specifies the form in which descriptions of Federal formulas shall be included in the data base on Federal domestic assistance programs. Secondly, it requires that all data and statistical estimates used in Federal formulas be described and their source specified. Thirdly, section 3 requires that all formula documentation be transmitted annually to the Congress. Section 3 amends section 6104 of title 31 to provide the Administrator of GSA discretion regarding the detail and format of the formula information actually included in the printed Catalog of Federal Domestic Assistance.

Section 4 of S. 1267 shifts the responsibilities for the computer information system enumerated in section 6103 of title 31, United States Code and the responsibilities for the Catalog of Federal Domestic Assistance Programs enumerated in section 6104 of such title (as amended previously by this act) from the Director of OMB to the Administrator of General Services.

Section 5 of S. 1267 adds two new sections to chapter 61 of title 31, United States Code. The first new section, numbered 6105, places the oversight responsibility for the exercise of all authorities and responsibilities in this chapter with the Director of OMB. The second new section, numbered 6106, shifts the authorization for appropriations from the Director of OMB to the Administrator of GSA as of October 1, 1983.

Section 6 of S. 1267 amends the analysis of chapter 61 of title 31, United States Code, so that it reflects the changes enumerated above.

Section 7 of S. 1267 states that the Director of OMB shall determine what personnel, property, records and unexpended balances of appropriations available are connected with any authorities and responsibilities transferred by the act to the Administrator.

CONCLUSION

The committee believes that the transfer of selected responsibilities as achieved by S. 1267 is reasonable and that the expanded documentation of Federal formulas sought will result in real improvement in the management and oversight of Federal domestic assistance programs. The committee concludes that S. 1267 merits passage and, therefore, reports the bill favorably.

Congressional Budget Office Cost Estimate

The Committee had not received the CBO cost estimate in time to be filed with this report. The estimate will be filed with Senate once it is received.

Regulatory Impact Statement

Paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate "the regulatory impact" which would be incurred in carrying out the bill.

S. 1267 will not have any additional regulatory impact. It does not authorize any additional regulation of activities in the private sector, impose any new recordkeeping or reporting requirements on any segment of the public or abolish any existing regulations.

Changes in Existing Law

In compliance with paragraph 12 rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 31, UNITED STATES CODE

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Subtitle V—General Assistance Administration

Chapter	Sec.
61. PROGRAM INFORMATION	6101
63. USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE AGREEMENTS	6301
65. INTERGOVERNMENTAL COOPERATION	6501
67. REVENUE SHARING	6701
69. PAYMENT FOR ENTITLEMENT LAND	6901
71. JOINT FUNDING SIMPLIFICATION	7101
73. ADMINISTERING BLOCK GRANTS	7301

CHAPTER 61—PROGRAM INFORMATION

Sec.
6101. Definitions.
6102. Program information requirements.
6103. Access to computer information system.
6104. Catalog of Federal domestic assistance programs.
[6105. Authorization of appropriations.]
6105. Oversight responsibility of Director.
6106. Authorization of appropriations.

§ 6101. Definitions

In this chapter—

"(1) administering office" means the lowest unit of an agency responsible for managing a domestic assistance program.

(2) "agency" has the same meaning given that term in section 551(1) of title 5.

(3) "assistance"—

(A) means the transfer of anything of value for a public purpose or support or stimulation authorized by a law of the United States, including—

(i) financial assistance;

(ii) United States Government facilities, services, and property; and

(iii) expert and technical information; and

(B) does not include conventional public information services or procurement of property of services for the direct benefit or use of the Government.

(4) "domestic assistance program"—

(A) means assistance from an agency for—

(i) a State;

(ii) the District of Columbia;

(iii) a territory or possession of the United States;

(iv) a county;

(v) a city;

(vi) a political subdivision or instrumentality of a governmental authority listed in subclauses (i)–(v) of this clause (A);

(vii) a domestic corporation;

(viii) a domestic institution; and

(ix) an individual of the United States; and

(B) does not include a department, agency, or instrumentality of the Government.

(5) "Director" means the Director of the Office of Management and Budget.

(6) "Administrator" means the Administrator of General Services.

(7) "formula" means any prescribed method employing objective data or statistical estimates for making individual determinations among recipients of Federal funds, either in terms of eligibility or actual funding allocations, that can be written in the form of either—

(A) a closed mathematical statement; or

(B) an iterative procedure or algorithm which can be written as a computer program; and from which the results can be objectively replicated, within reasonable limits due to rounding error, through independent application of such statement, procedures or algorithm, by different qualified individuals.

§ 6102. Program information requirements

(a) The Director [of the Office of Management and Budget] shall [prepare and maintain information on domestic assistance programs.] *collect and review information on domestic assistance programs and provide such information to the Administrator.* The information on each domestic assistance program shall include the following:

(1) identification of the program by—

(A) title;

(B) authorizing law;

(C) an identifying number assigned by the Director.

(2) a description of the—

(A) program;

(B) objectives of the program;

(C) types of activities financed under the program;

(D) eligibility requirements;

[(E) formulas governing distribution of amounts;]

[(F)] (*E*) types of assistance;

[(G)] (*F*) uses, and restrictions on the use, of assistance; and

[(H)] (*G*) duties of recipients under the program.

(3) a specification of each formula governing eligibility for assistance or the distribution of assistance under the program, which shall be described through the use of—

(A) the language used to specify each such formula in the law authorizing the program;

(B) the language used to specify each such formula in any Federal rule promulgated pursuant to the law authorizing the program; or

(C) a mathematical statement which is derived from the language referred to in subparagraphs (A) and (B) of this paragraph;

(4) a description of all data and statistical estimates used to carry out each formula specified pursuant to paragraph (3), and an identification of the sources of such data and estimates;

[(3)] *(5)* financial information, including the—

(A) amounts appropriated for the current fiscal year or, if unavailable, the amounts requested by the President and the amounts obligated; and

(B) average amounts of awards made in past years.

[(4)] *(6)* identification of information contacts, including the administering office of regional and local offices with their addresses and telephone numbers.

[(5)] *(7)* a general description of—

(A) the application requirements and procedures; and

(B) to the extent practical, an estimate of the time required to process the application.

(b) On request of the Director, an agency shall give to the Director current information on all domestic assistance programs administered by the agency. [The Director shall incorporate on a regular basis all relevant information received.] *The Director shall be responsible for ensuring that the Administrator incorporates all relevant information received on a regular basis.*

(c) The [Director] *Administrator*—

(1) shall ensure that the information and catalogs under this chapter are made available to the public at reasonable prices; [and]

(2) may develop information services to assist State and local governments in identifying and obtaining sources of assistance[.]*;*

(3) shall ensure that the information in the computerized system is made current on a regular basis and that the printed cata-

logue and supplements thereto contain the most current data available at the time of printing[.]; and

(4) shall transmit annually the information compiled under paragraphs (3) and (4) of subsection (a) to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.

§ 6103. Access to computer information system

(a) The [Director of the Office of Management and Budget] *Administrator* shall maintain a computerized information system providing access to the information described in section 6102 of this title.

(b) To the greatest extent practicable, the [Director] *Administrator* shall provide for the widespread availability of the information by available computer terminals.

(c) When the [Director] *Administrator* decides the efficiency of the information system under subsection (a) of this section requires it, the [Director] *Administrator* may make contracts with private organizations to obtain computer time-sharing services, including—

(1) computer telecommunications networks;

(2) computer software; and

(3) associated services.

§ 6104. Catalog of Federal domestic assistance programs

(a) The [Director of the Office of Management and Budget] *Administrator* shall prepare and publish each year a catalog of domestic assistance programs.

(b) In a form selected by the [Director] *Administrator*, the catalog shall contain—

[(1) all substantive information on domestic assistance programs that is in the system under section 6102(a) of this title at the time the catalog is prepared;]

(1) (A) all substantive information on domestic assistance programs that, at the time the catalog is prepared, is in the system under paragraphs (1), (2), (5), and (7) of Section 6102(a) of this title; and

(B) such portions or summaries, as the Administrator considers appropriate, of the information on domestic assistance programs that, at the time the catalog is prepared, is in the system under paragraphs (3) and (4) of section 6102(a) of this title;

(2) information the [Director] *Administrator* decides may be helpful to a potential applicant for or beneficiary of assistance; and

(3) a detailed index.

(c) When the [Director] *Administrator* decides it is necessary, the [Director] *Administrator* shall prepare and publish—

(1) supplements to the catalog; and

(2) specialized compilations by function of information in the catalog.

(d) The [Director] *Administrator* may distribute a catalog without cost to each—

(1) member of Congress;

(2) department, agency, and instrumentality of the United State government;

(3) State;
(4) general purpose unit of a local government;
(5) Indian tribe recognized by the United States government;
(6) depository library of Government publications; and
(7) depository designated by the [Director] *Administrator.*

[§ 6105] Authorization of appropriations

[Not more than $___,___,___ may be appropriated for the fiscal year ending September 3, 19__, to carry out this chapter.]

§ 6105. Oversight responsibility of Director

The Director shall have oversight responsibility for the exercise of all authorities and responsibilities in this chapter not specifically assigned to the Director.

§ 6106. Authorization of appropriations

After October 1, 1983, there may be appropriated to the Administrator such sums as may be necessary to carry out the responsibilities of this chapter.

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